

REMARKS

This amendment is offered in response to the Office Action of November 13, 2007. The Office Action rejected claims 1-8 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,384,634 to Takehara et al. ("Takehara") Further, claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19, 20, and 23 of U.S. Patent No. 5,997,239 to Mimura et al. ("Mimura") in view of Takehara.

Further, in order to more comprehensively claim the invention, Applicants have added to 2 new claims. A matching means comprised of a movable matching member and a fixed matching member is claimed in claim 9. Support for claim is found in line 10 of page 11 through line 25 of page 12, in Figures 10 and 16, and throughout the specification. Claim 10 claims the holding means in clearly. Support for claim 10 is found in line 2 of page 27 through line 8 of page 29, in Figures 10, 11, and 21 and throughout the specification. No new matter is being added.

Rejection of claims 1-8 under 35 U.S.C. §102(b) over Takehara

Applicants respectfully submit that claims 1-8 are not anticipated by Takehara. To further clarify the subject matter of the dependent claim 1, Applicants have amended claim 1. The amendment made to claim 1 further clarifies the transfer, directional orientation, and when the stapling occurs to the sheet bunch in the present invention.

More specifically, the apparatus disclosed in Takehara does not transfer the sheet bunch before the first staple is disposed. *See* Column 12, lines 20-34 of Takehara. On the other hand, the present invention transfers the sheet bunch before the first staple is disposed and after the

first staple is disposed. Support for this amendment is found in Page 4, lines 10-16, Figures 18 and 22, and throughout the specification.

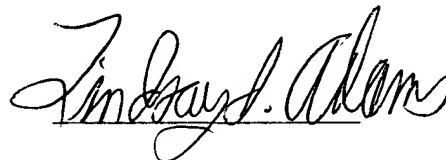
Obvious type double patenting rejection of claims 1-8 over Mimura in view of Takehara

In response to the obvious type double patenting rejection of claims 1-8 over Mimura in view of Takehara, Applicants attach a copy of the assignment filed in the present application. Applicants point out that the present application is 50% owned by Nisca while the other 50% is owned by Sharp. As a result, the present application does not share common ownership with Mimura. Therefore, the obvious type double patenting rejection should be withdrawn.

It is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

A request for one month extension of time and fee are enclosed. Applicants do not believe that any other fees are due. However, if any additional fees are due, please charge such sums to our Deposit Account: 50-1145.

Respectfully submitted,

A handwritten signature in cursive script, reading "Lindsay S. Adams".

Gerald Levy
Registration No. 24,419

Lindsay S. Adams
Registration No. 36,425

Attorney for Applicants

Day Pitney LLP
7 Times Square
New York, NY 10036-7311
(212) 297-5800